

Exhibit 3

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re DMCA Subpoena to Fine Art America

Case No. 22-mc-00209

**Declaration in Support of
Petitioner Debra Ann Reilly's
Request for Issuance of a 17
U.S.C. § 512(h) Subpoena**

I, Jeffrey F. Kinkle, declare as follows:

I am an attorney licensed to practice law in the State of New York and am associated with Beldock Levine & Hoffman LLP, counsel for Debra Ann Reilly. I am authorized to act on behalf of Ms. Reilly on matters involving the infringement of Ms. Reilly's copyrighted work, namely the painting "Misty Mountain." I have personal knowledge of the facts contained herein and, if called upon to do so, I could and would testify competently thereto.

I submit this declaration in support of Ms. Reilly's request for issuance to Fine Art America of a subpoena, pursuant to Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. § 512(h) (the "DMCA Subpoena"), to identify an alleged infringer (or infringers) operating on the Fine Art America online marketplace under the username "Archangelus Gallery."

On July 27, 2022, I submitted a notification to Fine Art America, sent by both physical and electronic mail, to the addresses provided on Fine Art America's website for copyright infringement notifications, identifying the infringing content and providing the information required by 17 U.S.C. § 512(c)(3)(A). A true and correct copy of this notification is attached at

Exhibit A to the subpoena request.

Ms. Reilly seeks a DMCA Subpoena in order to obtain the identify of an alleged infringer (or infringers) and such information will only be used for the purposes of protecting Ms. Reilly's rights under 17 U.S.C. §§ 100, *et. seq.*

I declare under the penalty of perjury under the laws of the State of New York and the United States of America that the foregoing is true and correct.

Executed: August 2, 2022

Respectfully submitted,

By: 

Jeffrey F. Kinkle

Attorney No. 5515077
BELDOCK LEVINE & HOFFMAN LLP
99 Park Ave., PH/26th Floor
New York, NY 10016
Email: jkinkle@blhny.com
Phone: 212-277-5883
Fax: 212-277-5800